

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

DIXIE BROWN,

Plaintiff,

v.

PONTUS LLC and IVAYLO  
DIMITRIV,

Defendants.

CASE NO. CV417-202

U. S. DISTRICT COURT  
Southern District of Ga.  
Filed in Office

  
Deputy Clerk


O R D E R

On October 23, 2017, Plaintiff Dixie Brown brought suit seeking relief for violations of the Fair Labor Standards Act ("FLSA"), sexual assault and battery, invasion of privacy, and intentional infliction of emotional distress. In her complaint, Plaintiff alleges that the Court has jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1367. However, the Court is not persuaded that it has jurisdiction over all of Plaintiff's claims.

The Court agrees that Plaintiff's FLSA claims fall within the Court's federal question jurisdiction as defined in 28 U.S.C. § 1331. However, the Court is skeptical of its jurisdiction over the state law claims relating to the alleged sexual assault. For this Court to have jurisdiction pursuant to 28 U.S.C. § 1367, "the state and federal claims must derive from

a common nucleus of operative fact." United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 725 (1966). In this case, it is unclear how Plaintiff's claims under the FLSA derive from the same common nucleus of operative fact as Plaintiff's sexual assault and related state law claims. Accordingly, Plaintiff is **DIRECTED** to file within **fourteen days** from the date of this order a brief detailing why the Court has supplemental jurisdiction over Plaintiff's state law claims.

SO ORDERED this 25<sup>th</sup> day of October 2017.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA